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REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the present application.

The Examiner's non-final Office Action dated December 11, 2001 has been received and its contents carefully noted. Claims 23-27, 29, 32 and 34-40 were pending in the present application. By this amendment, claim 34 has been amended. Accordingly, claims 23-27, 29, 32 and 34-40 remain pending, of which claims 23, 29, 32, 34, 35 and 38 are independent.

Claim 34, As Amended, is Enabled

Claim 34 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Claim 34 has been amended to recite "the dielectric film comprises two dielectric layers with mutually different dielectric constants." This amendment is consistent with the specification at p. 27, lines 13-19. It is respectfully submitted that claim 34, as amended, is enabled by the specification. Therefore, the Applicant respectfully requests that the rejection under § 112, first paragraph, be withdrawn.

Claim 34, As Amended, is Not Anticipated By Hara

Claim 34 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Hara, U.S. Patent No. 5,448,112 (Hara).

The Applicants traverse the rejection by the Examiner, because Hara fails to disclose all the elements of the claim, either explicitly or inherently.

The amended claim 34 of the present invention recites a semiconductor device, comprising: a conductor layer formed on a semiconductor substrate; a dielectric film formed on the conductor layer; and a conductor line formed on the dielectric film, wherein the conductor layer is not formed in a region directly below the conductor line but in both sides of the region thereof, and the dielectric film comprises two dielectric layers with mutually different dielectric constants.

Turning to the cited reference, as shown in Fig. 2B, Hara teaches a first conductive film layer, a second conductive film layer formed in a layer on top of the first conductive film layer through a dielectric film that is away from the region directly on top of the first conductive film layer, and a third conductive film layer formed in a layer on top of the second conductive film layer through a dielectric film that is away from the region directly on top of the second conductive film layer.

Hence, Hara discloses conductive film layers each having a multilayer wiring structure that are not vertically stacked on each other on a surface of a substrate.

Therefore, Hara fails to teach or suggest that the conductor layer is not formed in a region directly below the conductor line but in both sides of the region thereof, and that the dielectric film comprises two dielectric layers with mutually different dielectric constants, and thus is different from the amended claim 34.

All of the elements of the claim are not disclosed by the prior art either explicitly or inherently; therefore, the prior art does not anticipate claim 34, and the rejection under § 102(b) should be withdrawn.

Claims 23-27, 29, 32 and 35-40 are Allowed

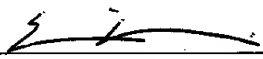
The Examiner is thanked for indicating the allowability of claims 23-27, 29, 32 and 35-40.

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Conclusion

Having responded to all rejections set forth in the outstanding non-final Office Action, it is submitted that the claims are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,



Eric J. Robinson
Registration No. 38,285

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 790-9110

EJR/RLP:gjc

MARKED-UP VERSION OF THE AMENDED CLAIMS

34. (Twice Amended) A semiconductor device, comprising:
a conductor layer formed on a semiconductor substrate;
a dielectric film formed on the conductor layer; and
a conductor line formed on the dielectric film, wherein
the conductor layer is not [present in at least a portion of] formed in a region directly
below the conductor line but in both sides of the region thereof, and
the dielectric film comprises two [or more] dielectric layers with mutually different
dielectric constants.